

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MABEL JOHNSON**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:01CV147-P-B**

**DELTA HOUSING DEVELOPMENT,  
et al**

**DEFENDANTS**

**ORDER**

This cause is before the Court, sua sponte, for consideration of the Court's February 22, 2006 Order. The Court, having reviewed the Order and being otherwise fully advised in the premises, finds as follows, to-wit:

That the order should be set aside and vacated in light of the Fifth Circuit's January 9, 2006 Order ruling on the similar motion before the Court of Appeals.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Court's February 22, 2006 Order [138] granting the plaintiff's Motion(s) for Rule 54(b) Certification of Order and Judgment and to Set Aside Order of Dismissal of Defendant United States of America and Order of Remand to Chancery Court should be, and hereby is, VACATED.

SO ORDERED, this the 28<sup>th</sup> day of February, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE